

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LAGATHER ANN NELSON,**  
**Plaintiff,**

**v.**

**CITY OF DALLAS POLICE OFFICERS**  
**A. NORDYKE and M. JAMAICA,**  
**Defendants.**

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**3:07-CV-1007-M**

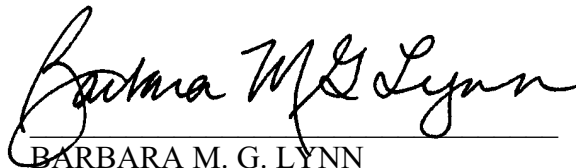
**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Paul D. Stickney. The District Court has reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Defendant Nordyke's Motion for Summary Judgment is granted and Plaintiff's claims against Defendant Nordyke are dismissed as barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), until *Heck* conditions are met.

Defendant Jamaica's Motion for Summary Judgment is granted with respect to Plaintiff's claims for wrongful detention, wrongful arrest, and corresponding state law claims. Those claims are dismissed as *Heck*-barred, until *Heck* conditions are met. Defendant Jamaica's Motion for Summary Judgment is denied with respect to Plaintiff's § 1983 claim for excessive force during an arrest and pendent state law claims for assault and battery.

**SO ORDERED** this 10<sup>th</sup> day of March, 2009.



BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS